

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GLEN W. DUCOTE,)	
)	
Petitioner,)	
)	
v.)	Civ.Act.No. 07-374-GMS
)	
ELIZABETH BURRIS , Acting Warden)	
and JOSEPH R. BIDEN III , Attorney)	
General for the State of Delaware)	
)	
Respondents. ¹)	

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

1. The petitioner, Glen W. Ducote, has applied for federal habeas relief, alleging error by the state courts. D.I. 1. By the terms of the Court's order, the answer is due to be filed on November 1, 2007.

2. Counsel has completed the answer to Ducote's petition. However, due to Appeals Division policy, the Chief of the Appeals Division must review all documents before they are submitted. Unfortunately, the Chief of the Appeals Division has been sick and, as a result, out of the office for much of November. Counsel now anticipates that review of the response should be completed on or before November 16, 2007.

¹ See Fed.R.Civ.P. 25(d)(1). Elizabeth Burris was named Acting Warden, effective September 1, 2007.

3. Under Habeas Rule 4, the Court has the discretion to give respondents an extension of time exceeding the 40-day limit in Civil Rule 81(a)(2). *Clutchette v. Rushen*, 770 F.2d 1469, 1473-74 & n.4 (9th Cir. 1985); *Kramer v. Jenkins*, 108 F.R.D. 429, 431-32 (N.D. Ill. 1985).

4. This is respondents' third request for an extension of time in this case.

5. Respondents submit that an extension of time to include November 16, 2007, in which to file an answer is reasonable. Respondents submit herewith a proposed order.

/s/Kevin M. Carroll
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 4836
Kevin.Carroll@state.de.us

DATE: November 13, 2007

RULE 7.1.1 CERTIFICATION

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Kevin M. Carroll
Deputy Attorney General

Counsel for Respondents

Date: November 13, 2007

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2007, I electronically filed the attached documents with the Clerk of Court using CM/ECF. I also hereby certify that on November 13, 2007, I have mailed by United States Postal Service, the same documents to the following non-registered participant:

Glen W. Ducote
No. 210611
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/Kevin M. Carroll
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
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General for the State of Delaware)	
)	
Respondents.)	

ORDER

This ____ day of _____, 2007,

WHEREAS, respondents having requested an extension of time in which to file an answer, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that respondents' answer shall be filed on or before November 16, 2007.

United States District Judge